

## REMARKS

By the above amendment, applicants have amended the specification to comply with the requirements for claiming benefit of the parent application pursuant to 37 CFR 1.78(a). It is noted that this claim for benefit is being inserted into the specification after the time period set forth 37 CFR 1.78(a)(2)(ii). However, it is noted that the USPTO has already recognized applicants' benefit claim as evidenced by the enclosed copy of the filing receipt. In addition, this amendment to the specification is compliant with amendment subject matter allowable under 37 CFR §1.312.

As set forth in MPEP §201.11:

If an applicant includes a claim to the benefit of a prior application elsewhere in the application but not in the manner specified in 37 CFR 1.78(a)(2)(i) and (a)(2)(iii) or 37 CFR 1.78(a)(5)(i) and (a)(5)(iii) (e.g., if the benefit claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a)(2)(ii) or (a)(5)(ii), **the Office will not require a petition and the surcharge under 37 CFR 1.17(t) to correct the benefit claim if the information concerning the benefit claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt.** (emphasis added)

In view of the above remarks, entry of the amendment regarding applicants' benefit claim is respectfully requested.

No fee is believed due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Brion P.Heaney/

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